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PART IV-A

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Central Acts

INDUSTRIES AND MINES DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 12th December, 2024

MINES AND MINERALS (DEVELOPMENT AND REGULATION ACT, 1957.

No. GU-2024-24-DMF-102015-836-CHH:- In exercise of the powers conferred by sections 9B, 15(4) and 15A of the Mines and Mineral (Development and Regulation) Act, 1957 (67 of 1957), and in suppression of all the rules made in this behalf except with respect to things done or omitted to be done before such suppression, the Government of Gujarat hereby makes the following rules to regulate the composition, functions and manner of working of the District Mineral Foundation and the amount of payment to be made to DMF by the concession holders of minor mineral for the interest and benefit of persons and areas affected by mining related operations and for purposes connected therewith, namely:-

CHAPTER-I

PRELIMINARY

1. Short title and commencement: -

- (1) These rules may be called the Gujarat District Mineral Foundation Rules, 2024.
- (2) They shall come into force from the date of their publication in the *Official Gazette*.

2. Definitions.- (1) In these rules, unless the context otherwise requires,-

- (a) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957);
 - (b) "Affected Area" means the area affected by mining related operations comprising of Directly Affected Area and Indirectly Affected Area, identified in accordance with rule 12;
 - (c) "Affected People" means people affected by mining, identified in the manner provided in rule 13;
 - (d) "Annual Plan" means an annual plan prepared in accordance with rule 16;
 - (e) "Annual Report" means annual report of the DMF-T prepared in accordance with these rules in the format specified by the State Level Monitoring Committee;
 - (f) "Beneficiaries" means those Affected people who have been identified, as beneficiaries of plans, programmes or projects, in the manner specified in rule 14;
 - (g) "Directly Affected Area" means the areas directly affected by mining related operations, identified in accordance with clause (a) of rule 12;
 - (h) "DMF" means a District Mineral Foundation established by the State Government in districts affected by mining related operations, in accordance with section 9B of the Act,
 - (i) "Government" means Government of Gujarat;
 - (j) "Governing Council" means governing council of the DMF constituted in accordance with rule 4;
 - (k) "Gram Sabha" shall have the same meaning as has been assigned to it in clause (b) of article 243 of the Constitution of India;
 - (l) "Indirectly Affected Area" means the areas indirectly affected by mining related operations, identified in accordance with clause (b) of rule 12;
 - (m) "Monitoring Committee" means Monitoring committee of the DMF constituted in accordance with rule 5;
 - (n) "PMKKKY" means the Pradhan Mantri Khanij Kshetra Kalyan Yojana framed vide Order of the Ministry of Mines, Government of India, dated the 15th January, 2024 as amended/revised from time to time;
 - (o) "rules" means the Gujarat District Mineral Foundation Rules, 2024;
 - (p) "Scheduled Area" includes tribal areas, and the scheduled area as referred to in clause (1) of article 244 of the Constitution of India;
 - (q) "State and Level Monitoring Committee" means a committee established in accordance with rule 8.; and
 - (r) "Village Panchayat" means Village Panchayat constituted under the Gujarat Panchayats Act, 1993; (Guj.18 of 1993);
- (2) The words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Mines and Minerals (Development and Regulation) Act, 1957 (Act 67 of 1957) and the rules made thereunder.

CHAPTER-II

ESTABLISHMENT, STRUCTURE AND COMPOSITION OF DISTRICT MINERAL FOUNDATION

3. STRUCTURE AND COMPOSITION OF DISTRICT MINERAL FOUNDATION.-

- (1) Every District Mineral Foundation established under sub-section(1) of section 9B of the Act shall consist of the governing council and the monitoring committee.
- (2) The DMF shall be registered as a society for charitable purpose under the societies Registration Act,1960 and shall be a public trust under sub-section (13) of section 2 of the Gujarat Public Trusts Act, 1950.

4. Governing Council. -

(1) The Governing Council shall comprise of the following members:

Sr.no.	Particulars of office of the member	Designation of Members in the Governing Council
1.	District Collector	Chairperson
2.	District Development Officer	Member
3.	District Planning officer	Member
4.	Member of Parliament (MP), Lok Sabha	Member
5.	Member of Parliament (MP), Rajya Sabha	Member
6.	Member of Legislative Assembly (MLA)	Member
7.	District Geologist/Assistant Geologist	Member Secretary

Explanation :

- (a) In case of one Member of Parliament (MP) in a district, MP, Lok Sabha of the district shall be a member of the Governing Council.
 - (b) In case, there is more than one MP of Lok Sabha in a district, all MPs having mining affected areas as part of their constituency shall be members of the Governing Council.
 - (c) In case, the constituency of one MP of Lok Sabha falls in more than one districts, the MP of Lok Sabha shall be member of the Governing Council of all such districts where mining affected area is a part of his/her constituency.
 - (d) MP of Rajya Sabha from a State shall be a member of the Governing Council of one district selected by him/her. (The Rajya Sabha MP shall intimate name of the district selected by him/her to the Secretary in-charge of Mining Department of the State who in turn shall inform the District Collector concerned).
 - (e) The Members of Legislative Assembly (MLAs) of the district having mining affected area as part of their constituency shall be members of the Governing Council. In case, the constituency of an MLA falls in more than one districts, the MLA shall be member of the Governing Council of all such districts where mining affected area is a part of his/her constituency.
 - (f) The Governing Council shall meet at least twice in a year. The date of meeting of the Governing Council shall be fixed as per the convenience of the Member of Parliament who are members of the Governing Council.
- (2) The members of the Governing Council shall be on ex-officio basis.
 - (3) The vacancy of one or more positions in the Governing Council shall not invalidate the constitution of the Governing Council.
 - (4) Immediately upon appointment, each member of the Governing Council, including the Chairperson and the Member Secretary shall submit to the Governing Council, particulars of their e-mail address, postal address, telephone number and other particulars.

5. Monitoring Committee. -

(1) The Monitoring Committee shall comprise of the following members:

Sr. no.	Particulars of office of the member	Designation of Members in the Monitoring Committee
1.	District Collector	Chairperson
2.	District Development Officer	Vice-Chairperson
3.	District Forest Officer	Member
4.	District Planning Officer	Member
5.	Chief District Health Officer	Member

6.	District Education Officer	Member
7.	District Primary Education Officer	Member
8.	District Agriculture Officer	Member
9.	District Livelihood Officer	Member
10.	District Rural Development Authority	Member
11.	Engineer, Gujarat Water Supply and Sewerage Board	Member
12.	Engineer, Roads and Building (State)	Member
13.	Engineer, Roads and Building (Panchayat)	Member
14.	District Social Welfare Officer	Member
15.	Program Officer, Integrated Child Development Scheme (ICDS)	Member
16.	District Geologist/Assistant Geologist	Member Secretary

- (2) The members of the Monitoring Committee shall be on the ex-officio basis.
- (3) The Monitoring Committee shall meet at least once every quarter.
- (4) The vacancy of one or more positions in the Monitoring Committee shall not invalidate the constitution of the Monitoring Committee.
- (5) Immediately upon appointment, each member of the Monitoring Committee, including the Chairperson, Vice Chairperson and the Member Secretary shall submit to the Monitoring Committee, particulars of their e-mail address, postal address, telephone number and other particulars.

6. Powers and functions of the Governing Council. -

- (1) The Governing Council shall have all such powers as may be necessary for discharge of its functions specified in these rules.
- (2) Without prejudice to the generality of the foregoing powers, the Governing Council shall have the following powers, namely: -
 - (a) to approve the Annual Plan, as specified in rule 17;
 - (b) to consider and approve the recommendations of the Monitoring Committee;
 - (c) to approve of the Annual Report, and audited accounts of the District Mineral Foundation within period prescribed under the Societies Registration Act, 1860 or within 90 days from the closure of the previous year whichever is earlier and ensuring the fulfilment of clause (a) of rule 32; and
 - (d) to appoint and remove auditors.

7. Powers and functions of the Monitoring Committee. -

- (1) The Monitoring Committee shall have all such powers as may be necessary for discharge of its functions specified in these rules.
- (2) Without prejudice to the generality of the foregoing powers, the Monitoring Committee shall have the following powers, namely: -
 - (a) to prepare the scheme for implementation, which may include the policy framework, master plan, vision document for the activities of the District Mineral Foundation and submit to the “State Level Monitoring Committee” for approval;
 - (b) to prepare administrative procedures for functioning of the District Mineral Foundation and present to the Governing Council for approval;
 - (c) to prepare shelf of projects to be taken up and scheme of prioritisation of project implementation and present to the Governing Council for approval;
 - (d) to prepare the Annual Plan, as specified in rule 16;

- (e) to supervise and ensure the execution of the Annual Plan and approved plans, programmes and projects;
- (f) to accord sanctions to implementation of plans, programmes and projects approved under the Annual Plan and disburse funds of the District Mineral Foundation for implementation of such plans, programmes and projects;
- (g) to prepare, maintain and update a list of Affected Areas and Affected People, as specified in rule 12 and 13;
- (h) to deploy and invest the District Mineral Foundation Fund in a diligent manner and as per the policies and instructions of the Government;
- (i) to open bank accounts in the name of the District Mineral Foundation and operate such accounts and investments;
- (j) to monitor the progress of the utilization of funds by the District Mineral Foundation;
- (k) to place the audited accounts along with an Annual Report before the Governing Council for approval; and
- (l) to appoint staff on contractual basis for the affairs of the District Mineral Foundation in accordance with the policies and the instructions of the Government, in accordance with clause(c) of sub-rule(4) of rule 16.

8. State Level Monitoring Committee

- (1) The State Level Monitoring Committee shall comprise of the following members:

Sr.No	Particulars of office of the member	Designation of Members in the State Level Monitoring Committee
1.	Chief Secretary	Chairperson
2.	Additional Chief Secretary/Principal Secretary/Secretary, Industries and Mines Department	Vice-Chairperson
3.	Additional Chief Secretary/Principal Secretary/Secretary, Finance Department	Member
4.	Additional Chief Secretary/Principal Secretary/Secretary, Health and Family Welfare Department	Member
5.	Additional Chief Secretary/Principal Secretary/Secretary, Social Justice and Empowerment Department	Member
6.	Additional Chief Secretary/Principal Secretary/Secretary, Primary and Secondary Education Department	Member
7.	Additional Chief Secretary/Principal Secretary/Secretary, (Planning), General Administration Department	Member
8.	Additional Chief Secretary/Principal Secretary/Secretary, Panchayats Department	Member
9.	Additional Chief Secretary/Principal Secretary/Secretary, Labour, Skill Development and Employment Department	Member
10.	Additional Chief Secretary/Principal Secretary/Secretary, Rural Development Department	Member
11.	Additional Chief Secretary/Principal Secretary/Secretary, Tribal Development Department	Member
12.	Additional Chief Secretary/Principal Secretary/Secretary, Roads and Buildings Department	Member
13.	Member Secretary, Gujarat Pollution Control Board	Member

14	Ministry of Mines representative	Member
15	Commissioner, Geology and Mining	Member Secretary

- (2) The State Level Monitoring Committee shall monitor performance of DMFs and compliance of transparency norms, audit and annual report of DMFs.
- (3) The State Level Monitoring Committee shall also include two members who shall be from the prominent institution and as recommended by the Government of Gujarat.
- (3) The State Level Monitoring Committee shall meet at least twice in a year.

CHAPTER-III

MANAGEMENT OF THE DISTRICT MINERAL FOUNDATION

9. Meetings of the Governing Council. -

- (1) The Governing Council shall meet at least once every six months. A member may request in writing for participation in meeting of the Governing Council through videoconference, if such member is unable to present in the meeting. The Chairperson after considering such request and technical feasibility, may permit such member to participate in the meeting through video conference.
- (2) A meeting of the Governing Council may be requisitioned by the Member Secretary on his own accord, or upon instructions from the Chairperson.
- (3) The agenda for every meeting of the Governing Council shall be circulated in advance, at least 15 calendar days prior to the date of the meeting. The agenda shall be accompanied by an explanatory statement, which shall describe, in sufficient detail, the matters to be considered by the Governing Council at its meeting:
 - Provided that for urgent matters, a meeting of the Governing Council may be convened at a shorter notice:
 - provided further that at least fifty per cent. of the members of the Governing Council have given their consent for such meeting. Such consent may be provided through e-mail.
- (4) The agenda shall be circulated in writing and may be delivered by hand or through post. In addition to hand delivery or delivery through post, agenda may also be circulated through e-mail.
- (5) The Member Secretary shall cause recording of minute of each meeting of the Governing Council. The Minutes shall describe in sufficient detail of the proceedings of each meeting. The minutes of each meeting shall be circulated to each member, who had attended the meeting, in draft form and shall be considered to be final upon the approval of the Chairperson. The decision of the Chairperson shall be final regarding inclusion of items in the minutes.
- (6) In the event that the Chairperson is unable to attend any meeting, then no meeting shall be held in absence of the Chairperson.
- (7) Subject to sub-rule (6), the quorum of the Governing Council shall be fifty per cent. of the members.
- (8) All decisions of the Governing Council shall be taken by majority votes and a decision shall be considered to be approved if more than one half of the members present vote in favour of it.
- (9) The meeting may be held at any place within the district and such time as may be decided by the Chairperson.

10. Meetings of the Monitoring Committee. -

- (1) The Monitoring Committee shall meet at least once every three months. A member may request in writing for participation in meeting of the Monitoring Committee through videoconference, if such member is unable to be present in the meeting, the Chairperson after considering such request and technical feasibility, may permit such member to participate through video conference.
- (2) A meeting of the Monitoring Committee may be requisitioned by the Member Secretary on his own accord, or upon instructions of the Chairperson.

- (3) The agenda for every meeting of the Monitoring Committee shall be circulated in advance, at least 15 calendar days prior to the date of the meeting. The agenda shall accompanied by an explanatory statement, which shall describe, in sufficient detail, the matters to be considered by the Monitoring Committee at its meeting:
- Provided that for urgent matters, a meeting of the Monitoring Committee may be convened at a shorter notice:
 - Provided further that at least fifty per cent of the members have given their consent for such meeting. Such consent may be provided through e-mail.
- (4) The agenda shall be circulated in writing and may be delivered by hand or through post. In addition to hand delivery of delivery though post, agenda may also be circulated through e-mail.
- (5) The Member Secretary shall cause recording of minute of each meeting of the Monitoring Committee. The Minute shall describe in sufficient detail of the proceeding of each meeting. The minute of each meeting shall be circulated to each member, who had attended the meeting, in draft form and shall be considered to be final upon the approval from the Chairperson. The decision of the Chairperson shall be final regarding inclusion of items in the minutes.
- (6) In the event that the Chairperson is unable to attend any meeting, then such meeting shall be chaired by the Vice-Chairperson. In such case, the Vice-Chairperson shall approve the minutes in terms of sub-rule (5). No meeting shall be held in absence of both the Chairperson and Vice Chairperson.
- (7) The quorum of Monitoring Committees shall be fifty per cent of the members.
- (8) All decisions of the Monitoring Committee shall be taken by majority votes and a decision shall be considered to be approved if more than one half of the members present vote in favour of it.
- (9) The meeting may be held at any place within the District and at a time as may be decided by the Chairperson.

CHAPTER-IV

ACTIVITIES UNDER THE DISTRICT MINERAL FOUNDATION:

11. Object of District Mineral Foundation.-

- (1) The District Mineral Foundation shall work for the interest and the benefits of persons, and areas affected by mining related operations in such manner as prescribed under these rules.
- (2) The District Mineral Foundation shall also implement the PMKKKY with the following overall objectives:
- (a) to implement various developmental and welfare projects and programs in areas affected by mining related operations, which projects and programs shall complement the existing ongoing schemes or projects of the State or Central Government;
 - (b) to minimize/mitigate the adverse impacts, during and after mining, on the environment, health and socioeconomics of people in mining districts; and
 - (c) to ensure long-term sustainable livelihoods for the people in areas affected by mining related operations.
- (3) The District Mineral Foundation shall also undertake such other activities as may be necessary towards meeting the objectives as specified in sub-section (2) of section 9B of the Act.

12. Identification of the Affected Area.-

- (1) The Monitoring Committee shall identify the Affected Area which shall be classified in following two categories:
- (a) **Directly Affected Areas -**
Villages and gram panchayats or Urban Local bodies (ULBs) within which the mines are situated and are operational. Such mining areas may extend to neighbouring village/town, block or district or even State.

- (i) An area within such radius from a mine or cluster of mines as may be specified by the Government.
- (ii) Villages/wards in which families displaced by mines have been resettled/rehabilitated by the project authorities.
- (iii) Villages/wards that significantly depend on the mining areas for meeting their economic needs and have usufruct and traditional rights over the project areas, for instance, for grazing, collection of minor forest produce etc. shall be considered as directly affected areas:

Provided that directly affected area is an area within such radius from a mine or cluster of mines as may be specified by the Government but shall not extend beyond **15 km** from the boundary of the mines.

- (b) **Indirectly Affected Areas** - Those areas where local population is adversely affected on account of economic, social and environmental consequences due to mining related operations, like such adverse effect could be by way of deterioration of water, soil and air quality, reduction in stream flows and depletion of ground water, congestion and pollution due to mining operations, transportation of minerals or increased burden on existing infrastructure and resources.

Indirectly affected area is an area beyond the directly affected area and within such radius from a mine or cluster of mines as may be specified by the Government but not more than **25 km** from boundary of mines, irrespective of whether this falls within the district concerned or adjacent district.

- (2) The DMF shall prepare and maintain an updated list of such directly and indirectly affected areas.
- (3) If any Directly Affected Area or the Indirectly Affected Area identified by the Monitoring Committee of a District includes area falling outside such District and falling in another District, the Monitoring Committee shall inform the DMF of another District through the State Level Co-ordination Committee.

13. Identification of the Affected People.-

- (1) Upon identification of the Affected Area, the DMFs shall prepare a list of Affected People, who shall be classified into following categories, namely:-
 - (a) "Affected Family" as defined under clause (c) of section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;
 - (b) "Displaced Family" as defined under clause (k) of section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;
 - (c) Persons identified by the Gram Sabha (Urban Local Body) in directly or indirectly affected area, as being affected by mining related operations;
 - (d) Other persons who are affected by mining, including people who have legal, occupational, rights over the land being mined, those with traditional or usufruct rights and those whose livelihoods have been affected due to mining.
- (2) The Monitoring Committee, if deems fit, identify the Affected People in consultation with the, local/elected representatives of Gram Sabha/Urban Local Body (ULB) in directly or indirectly affected area.
- (3) The Monitoring Committee shall update the list of Affected People/local communities. The list shall be revisited for updation at least once every 5 years.

14. Identification of Beneficiaries. -

- (1) With respect to each plans, programmes and projects to be implemented as a part of the Annual Plan, the Monitoring Committee shall prepare a list of Beneficiaries. Such Beneficiaries may be-
 - (a) specified individuals, in case of plans, programmes or projects targeted at individuals; or
 - (b) a class of population, in case of plans, programmes or projects targeted for general welfare of a particular class of populations, such a people residing in a specified area.
- (2) In case of a Scheduled Area, approval of the Gram Sabha shall be required for identification of Beneficiaries as prescribed in rule 19.

15. Time frame for preparation of Annual Plan. -

- (1) The first Annual Plan of the District Mineral Foundation shall be prepared within three months of the effective date and shall be valid till:
 - (a) end of the financial year, if more than six months are remaining in such financial year, or
 - (b) end of the subsequent financial year, if less than six months are remaining in such financial year. In such case, the first Annual Plan shall be for a period of more than one year.
- (2) For the purposes of these rules, the "effective date" shall be the date of publication of notification establishing the District Mineral Foundation by the Government.
- (3) The Annual Plan shall be prepared by the Monitoring Committee and shall be submitted to the Governing Council for Approval. Annual Plans for a financial year other than the first Annual Plan shall be prepared and approved by the end of the fourth quarter of the previous financial year in accordance with rule 16.

16. Preparation of the Annual Plan. -

- (1) The Annual Plan shall be prepared in the format determined by the “**State Level Monitoring Committee**” and shall contain particulars of plans, programmes and projects including, type, quantum, budget and time for completing the same:

Provided that in case of a Scheduled Area, approval of the Gram Sabha shall be required for formulation and implementation of all plans, programmes and projects.

- (2) Each Annual Plan shall contain measurable time bound performance benchmarks for its implementation.
- (3) Each Annual Plan shall take into account local needs and priorities of the Affected Areas and also any directions issued by the State Level Monitoring Committee.
- (4) Subject to the total expenditure (being aggregate expenditure for new schemes and spill over of past liabilities and commitments) not exceeding exceed 1.5 times, the available funds and the available funds under the Annual Plan shall be allocated in the following manner, namely:-
 - (a) at least seventy per cent. of the funds shall be allocated towards "high priorities areas" as specified in clause (a) of sub-rule (6);
 - (b) up to thirty per cent. of the funds may be allocated towards "other priority areas" as specified in clause (b) of sub-rule 6; and
 - (c) a maximum of five per cent. of the funds may be allocated towards administrative, supervisory and overhead costs of the District Mineral Foundation. As far as possible, no temporary/permanent posts should be created under the District Mineral Foundation. Any creation of temporary/permanent posts and purchase of vehicle by the foundation shall require prior approval of the Government. However, minimum required staff can be engaged on contractual basis. In order to enhance the capacity of the DMFs and for effective utilization of DMF funds, the DMF with annual collection in the excess of Rs. 50 crores shall set up a Project Management Unit(PMU) for planning, technical, accounting and monitoring support and the cost of such PMU may be met from administrative expenses. The PMU may engage required qualified manpower on contractual basis. Engagement of personnel for projects under the PMKKKY shall be purely contractual for a limited period only.
- (5) **Endowment fund** – A reasonable sum not exceeding 10% of the annual receipts shall be kept as endowment fund for providing sustainable livelihood. The districts having annual collection of Rs. 10 crore or more shall maintain an endowment fund. The endowment fund may be invested in government securities/bonds and FDs of scheduled banks and other instruments as are permitted by the Government. The endowment fund shall be used for creating and sustaining livelihoods in areas where mining activity has stopped due to any reason including exhaustion of mineral.

(6) Utilization of Funds

1. Scope of PMKKKY

The PMKKKY may cover the activities listed below:

- (a) **"high priority areas"** means: High priority Sectors – at least 70% of PMKKKY funds to be utilized under these sectors:
- (i) **Drinking Water Supply** - Centralized purification systems, water treatment plants, permanent/temporary water distribution network including standalone facilities for drinking water, laying of piped water supply system.
 - (ii) **Environment preservation and pollution control measures** - Effluent treatment plants, prevention of pollution of streams, lakes, ponds, ground water, other water sources in the region, measure for controlling air and dust pollution caused by mining operations and dumps, mine drainage system, mine pollution prevention technologies, and measures for working or abandoned mines and other air, water and surface pollution control mechanisms required for environment-friendly and sustainable mine development. Identification of mineral-specific pollutants and their hazard potential may be done by involving reputed educational institutes/ research institutions. The fund may be allocated for the identification of the hazards, setting up air quality monitors and displays, and undertaking measures for the implementation of the recommendations of the research.
 - (iii) **Health Care** - Creation of primary / secondary health care facilities in the affected areas. Provision of necessary staffing (doctors/ paramedical/support staff), equipment and supplies required for making such facilities effective. To supplement and work in convergence with the existing health care infrastructure of the local bodies, State and Central Government. Consultations with the National Institute of Miners' Health may also be drawn to design special infrastructure needed to take care of mining related illnesses and diseases, mobile health care units in the mining affected areas. Group Insurance Scheme for health care for mining affected persons.
 - (iv) **Education** - Construction of school / college/ vocational training institute buildings, additional class room, laboratories, libraries, art and crafts room, toilet blocks, drinking water provisions, residential schools and residential hostels for students/teachers in remote areas, or affected areas, sports infrastructure, engagement of teachers/other supporting staff, e-learning setup, other arrangement of transport facilities (bus/van/cycles/ rickshaws, etc.) and nutrition related programs. Financial support to students of affected areas for pursuing education in government/government aided institutions of higher education.
 - (v) **Welfare of Women and Children** - Special programs for addressing problems of maternal and child health, malnutrition, infectious diseases, etc.
 - (vi) **Welfare of aged and differently abled** - Special program and medical support for welfare of aged and disabled people and financial assistance to District Disability Rehabilitation Centres (DDRCs).
 - (vii) **Skill development and Livelihood generation** - Skill development for livelihood support, income generation and economic activities for local eligible persons, including training, development of skill development center, incubation centre, self-employment schemes; support to self-help groups and provision of forward and backward linkages for such self-employment economic activities; works to improve and showcase the arts and crafts of the affected people and areas, collection and processing of minor forest produce.
 - (viii) **Sanitation** - Collection, transportation and disposal of waste, cleaning of public places, provision of proper drainage and sewage treatment plant, provision for disposal of fecal sludge, provision of toilets and other related activities.
 - (ix) **Housing** – Provision of pucca housing for mining affected people not covered under Central or State schemes.
 - (x) **Agriculture** - Activities related to agriculture, horticulture and agroforestry. Assistance to farmers through trainings, support to FPOs/ collectives/cooperatives, support for setting up of food processing units, storage including cold storage, marketing facilities like market yards etc., plantation, processing of medicinal herbs.

- (xi) **Animal Husbandry** - Promotion of livestock, poultry, piggery, fishery, feed and fodder development and supporting innovation in animal husbandry, Farmers Producer Organizations (FPOs), Self Help Groups (SHGs), Farmer Co operative Organisations (FCOs).
- (b) **"other priority areas"** means: Up to 30% of the PMKKKY funds to be utilized under these sectors :
 - (i) **Physical Infrastructure:** Providing required physical infrastructure for road, bridges, railways and waterways projects.
 - (ii) **Irrigation:** Developing alternate sources of irrigation, adoption of suitable and advanced irrigation techniques, building check dams, and diversion weirs, assistance for micro irrigation facilities including drip irrigation, assistance for borewells and pump energization.
 - (iii) **Energy and Watershed Development:** Development of alternate source of energy (including micro-hydel, decentralized solar or other renewable sources) and rainwater harvesting system. Development of orchards, integrated farming and agroforestry, integrated farming and restoration of catchments.
 - (iv) Any other measures for enhancing environmental quality in mining affected district.
- (c) **Distribution of funds in directly and indirectly affected areas :**

A minimum of 70% of the DMF funds shall be spent only in the directly affected area as prescribed in clause (a) of sub-rule(1) of rule 12.

17. **Implementation of the Annual Plan. -**

- (1) The Annual Plan shall be implemented in the manner specified in the Annual Plan.
- (2) Any procurement of goods or services by the District Mineral Foundation or for implementation of the Annual Plan shall comply with the procedure specified by the Government for such procurement.
- (3) Any creation of temporary or permanent positions, or purchase of vehicles by the District Mineral Foundation shall require prior approval of the Government. The District Mineral Foundation may engage the service of persons on a contract basis, if so required under the Annual Plan.
- (4) The compliance with performance benchmarks specified in the Annual Plan shall be measured and reported on a quarterly basis by the Monitoring Committee. If no measureable performance benchmarks have been provided, then the Monitoring Committee shall prepare a general report regarding implementation of the Annual Plan. Each such quarterly report shall be posted on the website of the District Mineral Foundation.
- (5) In case of Scheduled Area, after completion of every financial year, the report of the work undertaken in each village in each financial year shall be furnished to the respective Gram Sabha.

18. **Monitoring of the Annual Plan.-**

- (1) The day-to-day monitoring of implementation of the Annual Plan shall be carried out by the Monitoring Committee.
- (2) The Governing Council shall have overall supervision of implementation of the Annual Plan.

19. **Special Provisions for Scheduled areas. -**

The process to be adopted for utilization of funds by the District Mineral Foundation in the scheduled areas shall be guided by the provisions contained in article 244 read with Fifth Schedule to the Constitution of India relating to administration of the Scheduled Areas and Tribal Areas and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

In respect of villages affected by mining situated within the scheduled areas;-

- (a) Approval of the Gram Sabha shall be required for-
 - i. all plans, programs and projects to be taken up under PMKKKY;
 - ii. identification of beneficiaries under the existing guidelines of the Government.

- (b) Report on the works undertaken under PMKKKY in the respective village shall be furnished to the Gram Sabha after completion of every financial year.

Explanation : for the purpose of this rule, the *Gram Sabha will have same meaning as assigned to it for the purpose of implementation of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996).*

20. Five years perspective planning and annual plan.-

For complete coverage of all affected people and areas in a systematic and time-bound manner, long-term planning is essential. For proper utilization of funds for the implementation of works using District Mineral Foundation (DMF) funds the following conditions shall be compiled with:

- (a) The DMF shall conduct a baseline survey through Academic Institutions/ Renowned organisations/ agencies for perspective plan formulation. The Gram Sabha/Local Bodies may aid in preparation of need assessment reports. The DMF may also use the baseline survey undertaken by any Department, if available. The reference and major findings of the surveys shall be included in the Perspective Plans under PMKKKY for the District.
- (b) Based on the findings and gaps as identified through the baseline survey or any such survey/assessment, the DMF shall prepare a strategy for five years and the same shall be included in the Perspective Plan. The five year Perspective Plan shall be prepared taking into account current balance available and likely accrual to the DMF over a period of five years. The five year Perspective Plan shall be disaggregated into year-wise action plans.
- (c) The five year Perspective Plan shall have separate sections on all priority sectors like drinking water, health, education, welfare of women and children, etc. and other sectors like roads, irrigation etc.
- (d) The five year Perspective Plan shall be approved by the Governing Council of the DMF and displayed on the website of the DMF.
- (e) The Annual Plans of the DMF to be approved by Governing Council each year shall be based upon the five year perspective plan and success achieved in fulfilling its targets in earlier years. The Annual Plans may include some other works and expenditures considered urgent in nature although not included in the perspective plan to a maximum extent of 10% of the annual plan.
- (f) The Government may empanel renowned organisation/ agencies/ universities for conducting the baseline surveys and preparing five-year perspective plans.
- (g) The Governing Council shall approve the five years perspective plan and annual plan comprising of list of projects to be taken up in financial years.

CHAPTER-V

DISTRICT MINERAL FOUNDATION FUND

21. Bank Account. -

- (1) The District Mineral Foundation shall have the power to open, operate and close one or more bank accounts in its own name in a public sector bank.
- (2) The District Mineral Foundation may open such types of bank accounts as may be approved by the Governing Council. Such accounts shall be opened at a branch of a public sector bank located in the district of the District Mineral Foundation.
- (3) Prior to opening of each bank account, the Governing Council shall also approve an authorisation matrix for operation of bank accounts, specifying the particulars of members and their respective authorisation limits:

Provided that such authorisation matrix must include operation of bank accounts under the joint signatures of at least two of the three signatories, the two signatories being the Chairman and Member Secretary of Monitoring Committee.

- (4) The Governing Council may approve investment of any unutilised funds in the bank account of the District Mineral Foundation in the following manner, namely:-

- (a) such investments may be liquidated at any time;
- and (b) there is no risk to the principal amount so invested.

22. Contributions. -

- (1) The following contributions may be made to the bank account of the District Mineral Foundation:
 - (a) Contributions from the holders of a mining lease, or a prospecting license-cum- mining lease, under the provisions of sub-section (5) of section 9B of the Act;
 - (b) Contributions from the holders of a mining lease under the provisions of sub-section (6) of section 9B of the Act;
 - (c) Contributions from the holders of minor mineral concession under the provisions of section 15A of the Act.;
 - (d) Any interests accrued to the bank accounts of the District Mineral Foundation Fund;
 - (e) Any other contribution as may be determined by the Government.
- (2) To achieve seamless transfer without delays, payments towards contribution to the District Mineral Foundation shall be made along with payment of royalty and the amount payable to each District Mineral Foundation shall be credited into its bank account in the manner specified by the Government.

23. Expenditure. -

- (1) Any expenditure from the bank account of the District Mineral Foundation shall be solely to meet the objectives of the District Mineral Foundation or to meet its administrative, supervisory and overhead costs, as specified in the Annual Plan.
- (2) All such expenditure shall be approved by the Governing Council, in the Annual Plan or a specific approval shall be required for an expenditure which has not been approved as a part of the Annual Plan.
- (3) With prior approval of the Government and intimation to Central Government, projects for development of common infrastructure such as construction of roads, bridges in excess of limits specified in this regard to the priority for funds utilisation, on a case to case basis, may also be taken up for projects of importance to the district, as specified by the State Level Co-ordination Committee,

24. Restriction on fund transfer from DMF –**In respect to the DMF funds of the districts: -**

- (a) The provisions of section 9B of the Act shall be strictly adhered to in respect of utilisation of funds by the District Mineral Foundations;
- (b) No fund shall be transferred in any manner from the District Mineral Foundations to the State exchequer or State level fund (by whatever name called) or Chief Minister's Relief Fund or any other funds or schemes,
- (c) No sanction or approval of any expenditure out of the fund of the District Mineral Foundation shall be done at the State level by the Government or any State level agency; and
- (d) No fund shall be spent outside directly or indirectly affected areas within a district or for other than affected people as prescribed in sub-rule(1) of rule 12.

CHAPTER-VI RECORDS, REGISTERS AND AUDIT**25. Records and Registers. -**

- (1) The District Mineral Foundation shall maintain proper accounts and other relevant records with respect to all its activities. Without prejudice to the generality of the foregoing, the District Mineral Foundation shall maintain the following registers, namely:-
 - (a) Register of mining related operations in district :- which shall contain particulars of, mining related operations in the district, mines, and persons holding any mineral concessions with respect to an area situated within the district.

- (b) Register of receipt :- which shall contain particulars of all payments made to the District Mineral Foundation, including payments made by persons holding mineral concessions.
 - (c) Register of expenditure :- which shall contain particulars of all expenditure made by the District Mineral Foundation.
 - (d) Register of beneficiary :- which shall contain particulars of all Affected People of the District Mineral Foundation, as identified in terms of these rules.
 - (e) Register of Members of Various Committees :- list of members of Governing Council and Monitoring Committee.
- (2) As a part of the Annual Report, the District Mineral Foundation shall also prepare an income and expenditure statement and a balance sheet for every financial year, commencing from April 01 and ending on March 31, in a manner as may be prescribed by the Government in consultation with the Accountant General of the State.
- (3) The records and registers may be maintained by the District Mineral Foundation in electronic format in the manner as approved by the Government.

26. Audit. -

The accounts of the District Mineral Foundation shall be audited annually upon completion of a financial year by Chartered Accountant an auditor appointed by the DMF from a list of qualified auditors notified by the Accountant General, and the report thereof shall be placed in the public domain alongwith the Annual Report.

27. Annual Report. -

- (1) Every year, within three months from the date of closure of the financial year, the DMF shall cause to prepare an Annual Report on its activities for the respective financial year. The Annual Report shall be prepared by the Monitoring Committee and shall be presented to the Governing council for approval of the same.
- (2) The Annual Report will be submitted to the State Government within one month from the date of its approval by the DMF and will also be hosted on the website of the Foundation.
- (3) The Annual Report of each Foundation shall be laid before the State Legislative Assembly.

CHAPTER-VII MISCELLANEOUS

28. Website: - Transparency and Accountability

- (1) Every District Mineral Foundation shall maintain a website/ or a specific section on the website of District Administration. The "State Level Monitoring Committee" shall include the following information to be hosted and kept updated;
- (2) The website of District Mineral Foundation shall be updated on a periodic basis and shall include the following information, namely:-
 - (a) Particulars of composition of the District Mineral Foundation, including particulars of members of the Governing Council and the Monitoring Committee;
 - (b) Particulars of Affected Area and Affected People, in case of Affected People, in the interest of privacy the State Level Monitoring Committee may specify the manner in which the particulars of Affected People may be published.
 - (c) Quarterly details of all contributions made to the District Mineral Foundation, received from lessees and others.
 - (d) Agenda, minutes and action taken reports with respect to meetings of the Monitoring Committee and the Governing Council;
 - (e) 5 years Perspective Plan, details of investment of endowment fund, Annual Plans and budget, work orders and Annual Report within 30 days of issuance of the document.

- (f) Implementation status or progress of all the plans, programmes and projects being undertaken by the District Mineral Foundation, including description of work, details of Beneficiaries, estimated cost, name of implementing agencies, expected date of commencement and completion, financial and physical progress up to the previous quarter etc.
- (g) Physical and financial progress report of the approved plans, Programmes and projects.
- (h) List of beneficiaries under various welfare programs.
 - (i) Voluntary disclosures under RTI Act.
- (3) The agenda, minutes and action taken reports with respect to meetings of State Level Monitoring Committee shall also be hosted on a website of the Government.
- (4) Each Foundation shall display description of the project and amount sanctioned on a notice board at the project site.
- (5) Information, Education and Communication (IEC) activities to create awareness regarding schemes implemented under PMKKKY through social media, films, videos etc.
- (6) The District Mineral Foundation (DMF) shall share information pertaining to performance of DMF including deposit of funds and implementation of works to the State Government and Ministry of Mines, Government of India as per the formats prescribed and manner specified.
- (7) Each DMF shall compulsorily sanction, release funds and monitor execution of projects through the online portal developed by the central Government only from the date as may be notified by the Central Government.

29. Review.-

The Government shall review and revise the provisions declared under such rules every ten years, to remain effective to uphold the objective of the District Mineral Foundation.

30. Grievance Redressal. -

- (1) The DMFs shall devise and implement a grievance redressal mechanism so that each grievance is redressed, and a suitable reply is given to the complainant within 30 days of making a complaint to the Collector or any other officer as may be notified.
- (2) The Government, on receipt of any complaint/public grievance shall ensure each grievance is redressed by the DMF and a suitable reply is given to the complainant within the stipulated timeframe.
- (3) The Central Government may, on receipt of any complaint/public grievance- regarding improper utilization of the DMF funds, poor implementation of projects or violation of PMKKKY guidelines –
 - (i) Refer the complaint to the Government for submitting a detailed Action Taken Report. The Government shall submit a detailed Action Taken Report within 2 months from receipt of reference from the Central Government.
 - (ii) Alternatively, if it considers fit, the Central Government may get an inquiry conducted by a Central team, or any third party on such complaint.
 - (iii) On receipt of the Action Taken Report by the Government or report of Central Team or the third party, the Central Government shall direct the Government to take necessary corrective measures within one month of receipt of such direction.
 - (iv) The Government shall submit a report on implementation of corrective measures.

31. General Guidelines.-

- (1) **Convergence of schemes** – The developmental and welfare activities to be taken up under the PMKKKY should be, as far as possible, in the nature of complementing the ongoing schemes/projects being funded by the State as well as Central Government. Activities meant to be taken up under the 'polluter pays principle' should not be taken up under the PMKKKY. However, without prejudice to the powers of the DMF, efforts shall be made to achieve convergence with the State and the District Plans so that the activities taken up by the DMF supplement the development and welfare activities and are treated as extra-budgetary

resources for the State Plan. The DMFs shall focus on convergence with ongoing Central and State schemes for achieving the Sustainable Development Goals (SDGs) in mining affected areas. While formulating schemes, DMFs will give priority to achieving targets under Aspirational Districts Programme and Aspirational Blocks Programme.

- (2) **Affected area in more than one district** – If the affected area of a mine in one district also falls in the jurisdiction of another district (even if it is in another State), such percentage of amount collected from the mine by the DMF, in proportion of affected areas, shall be transferred to the DMF of the other district concerned for taking up the activities in such areas. A project that is for benefit of the affected area/ people, but stretches beyond the geographical boundary of the district shall be taken up under the PMKKKY after obtaining prior approval of the Government.
- (3) **Implementation of Works / Contracts**
 - (a) Works /goods may be procured by the DMF after following due procedure prescribed by the Government for such procurements. Procurement through GeM portal shall be preferred.
 - (b) Transfer of fund to all executing agencies and beneficiaries shall be through Direct Benefit Transfer (DBT) only into their bank account.

32. Compliance Mechanism. -

- (1). **In case, a DMF –**
 - (a) fails to maintain an endowment fund as mandated in sub-rule(5) of rule 16;
 - (b) transfers any fund in violation of rule 24;
 - (c) fails to comply with any of the provision of rule 28;
 - (d) fails to get the accounts audited as mandated in rule 26;
 - (e) fails to prepare and publish annual report as mandated in rule 27; and
 - (f) fails to follow directions of State Government or Central Government as prescribed in rule 30, -
- (2) The State Government or the Central Government may direct suspension of sanction of any or all new works or execution of any or all of already sanctioned works; and/or suspension of release of funds for any or all the works by the bank(s) where DMF fund is deposited or the bank account of the executing agencies where funds have been transferred from DMF.
- (3) The State Government or the Central Government may, after being satisfied that necessary corrective measures have been taken, withdraw such suspension.
- (4) In case any direction under sub rule (2) or sub-rule (3) above is given by the Central Government the withdrawal of such direction shall only be done by the Central Government.

By order and in the name of the Governor of Gujarat,

J. B. PATEL,
Joint Secretary to Government.

